

REMARKS

Reconsideration is respectfully requested.

I. Status of the Claims

New claim 18 is added, specifically reciting the compounds set forth in Table 1, page 22 of the Specification. Claims 19-21 are added and recite the subject matter of claims 15-17 but depend from claim 18. Claims 1-5 and 14-17 are amended for clarification. Claims 6-9 have been canceled without prejudice or disclaimer. Accordingly, no new matter is added. Upon entry of this Amendment, claims 1-5 and 14-21 are pending.

II. Acknowledgement of Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 1-5 contain allowable subject matter. Applicants submit that the remaining claims are allowable based on the below and respectfully submit that the application is in condition for allowance.

II. Claim Rejections under 35 U.S.C. § 112

Claim 15 has been rejected as allegedly lacking enablement for the prevention of specific diseases. Without conceding the validity of the rejection, claim 15 has been amended as suggested by the Examiner to delete the phrase “preventing and/or.”

Claims 6-9 have been rejected as allegedly indefinite because it is not clear what is included in the term “derivative.” Claims 6-9 have been canceled rendering the rejection moot.

Although they do not stand rejected, claims 1-5 and 14-17 have been amended for clarification to recite a compound as defined by the claims rather than a “fused pyrimidine derivative.”

III. Double Patenting

Claims 6-9 have been objected to as being substantially duplicative of claim 5. Without conceding the validity of the objection, claims 6-9 have been canceled to advance prosecution. Therefore, the objection is moot.

IV. New Claims

New claim 18 specifically recites the compounds set forth in Table 1 of the Specification. Each of these compounds is encompassed by the generic formula of claim 1, which the Examiner has indicated is allowable over the nearest prior art.

New claims 19-21 have been added and recite the subject matter of claims 15-17 but depend from claim 18. These claims are allowable for at least the reasons stated above with respect to claim 18.

CONCLUSION

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. If there are any remaining issues that the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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